

**INLAND WETLANDS COMMISSION  
REGULAR MEETING  
May 4, 2016**

**MEMBERS:**

Mary Davis, Chair  
Sally MacKenzie - absent  
Marcia Puc  
Tracy DeBarber - absent  
Mark Bakstis  
Alex Olbrys, Alternate

**OTHER:**

Sue Goggin, Town Planner/ZEO/WEO  
Lori Rotella, Assistant ZEO  
Wayne Zirolli, Borough Engineer  
Public - 2

**SHOW CAUSE HEARING**

**6:00 P.M.** Continued Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 106 Bowman Drive.

**Applicant will be back in the spring when notified by the Land Use office.**

Susan Goggin stated that she has been out to Louise's property to inspect since the last meeting. Everything was stabilized. Susan reminded the commission that Louise had planted butterfly and rose of sharon bushes. Louise submitted, for the record, a list of plants that she purchased to plant. Louise explained that she will plant everything before she installs the split rail fence. The woodchips are spread around the butterfly and rose of sharon bushes. Susan Goggin will call Louise before she comes out to inspect before next month's meeting.

**REGULAR MEETING**

1. Mary Davis called this meeting to order at 6:05 P.M. Mary noted there was a quorum. Alex Olbrys was made a regular voting member in place of Sally MacKenzie. Mary opened the meeting with the Pledge of Allegiance.
2. Executive session with Borough Attorney.  
There was none.
3. Public comment  
Mary Davis noted we have a Nonnewaug Student present tonight, monitoring the meeting for a high school project.
4. **OLD BUSINESS**
  - A. Long Meadow Pond Brook ERT Study

There is nothing new to report on this. Wayne Zirolli stated that after the Armory is transferred to the town, they may be doing some testing of Long Meadow Brook to get a baseline. He also noted there was a trash container in the brook and he will ask the Street Department to remove it. Mary would like the Wetlands Commission to be part of any discussions once the property is transferred and the town is utilizing the building.

- B. Commission discussion regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Auto.

Susan Goggin went out to the property last Thursday and noted everything looks good. The applicant is looking to revise their plans for their property located at 18 & 30 Raytkwich Road, possibly making the building smaller. No work has started there yet.

- C. Commission discussion/decision regarding request for a reduction in wetland development fees for development at Lots 18 & 30 Raytkwich Road, Applicant: A Better Way Auto

Attorney McSherry, 38 Fairview Avenue, Naugatuck for applicant A Better Way Auto requested the commission to table this discussion due to the modifications being made to the plans at 18 & 30 Raytkwich Road. The commission agreed not to make any reduction to the fees. Susan Goggin handed out a letter from Wayne Zirolli dated April 29, 2016 also stating there should be no reduction. Attorney Fitzpatrick was also in agreement. Attorney McSherry withdrew his request.

## 5. NEW BUSINESS

- A. Commission discussion regarding administrative approval for church at 195 Rubber Avenue, Applicant: Renewed Living Prayer Ministry

Susan Goggin, Wayne Zirolli and Mary Davis met to discuss the proposed church for 195 Rubber Avenue. This store front was previously used as a gun shop and there are no wetlands on the property. The brook is across the street beyond the recycling center. There will be no work done to the outside of the building except for installing a sign. Susan explained to the commission the zoning regulations regarding parking. They will be utilizing the town parking lot across the street as well as the spots in front of the store front. Mary explained to the commission that this is an administrative approval and the commissioners are just reviewing the application. There were no questions or concerns from the commission.

- B. Commission discussion/decision regarding application for proposed mixed use development at 100 Prospect Street (Prospect Street School, IW#16-03), Applicant: Florian Properties, LLC

Attorney Kevin McSherry, 38 Fairview Ave, for the applicant Florian Properties, LLC explained to the commission that this application IW #16-03 would run together with their application for earth excavation IW #16-04. Prospect Street School has no wetlands on the property. They are 150 feet away from Fulling Mill Brook. He further explained that all of the excavation to be done will be in the rear of the property which is shown on maps dated April 28, 2016. Attorney McSherry stated that during the earth excavation process, the trucks will be exiting the site from Acushnet Street. The parking will be behind the school and they will be removing the hill on the Eagle Street side. The existing parking is approximately 44 spaces and they are proposing 93 – 95 parking spaces to service the building. He also noted the earth excavation will be under the Zoning Commission's jurisdiction. They are looking to excavate 9,000

cubic yards. There is one large commercial tenant already in place. The second floor will house small apartments, approximately 400 – 600 square feet similar to Terrace Avenue. Susan noted that the Board of Mayor and Burgesses voted to sell the property to Florian Properties, LLC. It was also noted that the application fees are paid and there is no need for a tax form due to it being Borough owned. The first application for the proposed mixed use application is not a concern of the commission. Their biggest concern is the amount of material being removed from the property and having the proper soil erosion and sediment controls in place. There was a lengthy discussion regarding whether this should be submitted as an application or just as an administrative approval. Attorney McSherry noted that the area of the earth excavation is 300 feet away from the brook. The location is behind the school. The brook is across the street, behind the houses. Attorney McSherry suggested that the Wetlands Commission can state their concerns as part of the administrative approval. They will use hay bales and silt fence to protect the site. He stressed this is outside of the Wetland Commission's jurisdiction. Wayne Zirolli also stated this will be reviewed by the Zoning Commission. Wayne explained the type of storm water system that is being designed has storage on site and drywells. His report to the Zoning Commission would cover the level of detail and concern for storm water running off of the site. The commission would also like tracking pads utilized when taking the materials offsite. Mary suggested they do nothing tonight, review the plans before next month's meeting and have a list of recommendations to be sent to the Zoning Commission. Attorney McSherry believes the timing should work out regarding the Public Hearings for the special permit applications with the Zoning Commission. Mary believes we should be able to run both applications together. There was a discussion on how to move forward as applications with permit numbers or administrative approvals. Mary agreed the first application should be an administrative approval. She had a concern with the amount of material coming off the site with the brook across the street. There was also a lengthy discussion if this falls under wetland's jurisdiction if the proposed plans have additional proposed underground drainage system to the wetlands. According to Attorney McSherry, this system is going into an established drainage system and this is covered under the Zoning Commission's jurisdiction. Mary Davis requested that staff remove the numbers from both applications and put these two applications back on the agenda for next month as administrative approvals. She would also like for the commission to review the applications and come back next month with any suggestions they may have to send to the Zoning Commission.

This was continued to next month as an administrative approval.

- C. Commission discussion/decision regarding application for earth excavation at 100 Prospect Street (Prospect Street School, IW#16-04), Applicant: Florian Properties, LLC

The discussion for this item was combined with New Business B, regarding application for proposed mixed use development at 100 Prospect Street (Prospect Street School, IW#16-03), Applicant: Florian Properties, LLC

This was continued to next month as an administrative approval.

- D. Additional items require a 2/3 vote of the Commission.

There was none.

6. **CORRESPONDENCE**

There was none.

7. **WEO REPORT**

A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Susan Goggin and Wayne Zirolli met with Attorney Fitzpatrick to discuss what was left to be done and the expiration dates of permit IW #08-08. It was noted that the trailer on the side of the building was not shown on the approved site plan. Susan can send a cease and desist for the trailer. That would be sent out 10 days before the June 2016 meeting which will give the applicant time to come to the June meeting to plead his case. The next step would be to impose a \$750 fine. If the applicant does not appeal or pay the fine or remove the trailer, the Borough can put a lien on the property. Mary noted that she found in her notes that he was given a Notice of Citation in 2014 with a fine for \$750 and it was not collected. It was also noted that at that time the Zoning Officer and Town Planner both retired from the Borough. There was a discussion on when his permit expires and what work was to be completed before he moved into the property. Susan had a discussion with the mayor to have a citation officer appointed. Susan will issue a cease and desist to have the trailer removed from the property per his permit IW #08-08. If he does not show up to the June 2016 meeting, then a lien will be placed on his property at 393 Rubber Avenue. She will also send a letter reminding him that he agreed to put in the rain garden as stated in his June 22, 2015 letter.

B. Primo Enterprises, LLC, 45 High Street

Susan Goggin gave the commission a Schedule of Maintenance for 45 High Street. Susan and Wayne drew up schedule based on several visits to the property showing no signs of any flooding. Susan spoke to one of the owners of the property and they will sign the agreement. Wayne will send out the agreement with additional wording stating that if a berm is to be built, it would require a permit. The commission agreed to take this item off the agenda. A report from the property owner to Land Use Department will be requested bi-annually and Wayne and Sue will inspect to confirm it is being maintained.

C. Naugatuck HS Renovation (IW#12-04) – water quality test results

Susan Goggin gave the commission a copy of Wayne Zirolli's email dated March 4, 2016 regarding Naugatuck High School's water quality sampling. Florencia Bugatti of HRP called Wayne to let him know she was ready to do spring sampling. Wayne accompanied her to do the samples of the sediment and outfall on Friday, April 29<sup>th</sup> at 10a.m. Attorney Fitzpatrick requested the results as soon as possible because of the armory negotiations. The samples were being sent to the lab that day and the verbal results should be within a week and the written report will take a couple of weeks. Wayne explained the previous report results to the commissioners. All of the reports were consistent. The residential standards were used but the water samples taken were not from water that would be used for drinking. That is the reason it appeared

the levels were elevated. Wayne will be doing some testing for the armory with the Borough's own environmental engineers. The samples that were taken this past Friday were approximately in the same location as last time. Florenzia is the same environmental scientist who took the samples last time.

8. **Review/Approval** of the April 6, 2016 Public Hearing and Regular Meeting Minutes.

**VOTED:** Unanimous on a motion by Marcia Puc and seconded by Mark Bakstis to **APPROVE** the April 6, 2016 Public Hearing and Regular Meeting Minutes as written.

9. **ADMINISTRATIVE BUSINESS**

Mary Davis received a complaint regarding trees that are proposed to be cut down on the property of the Glendale Manor Association club house. The property is located close to the brook and the President of the Association, Bill Robinson, sent out letters to the homeowners in the association proposing to cut down about 45 trees, some of which are dead and others that are leaning over the building. Susan Goggin sent out a letter to Bill explaining that he will need to get a wetlands permit in order to cut down any trees within the regulated area. Bill came into the Land Use Office to explain that he did not know that he needed a permit to remove the trees and that they do not have any funds for a permit. He wanted to know if there is a way to possibly reduce the fees. Bill requested to be put on the June 2016 Wetlands Meeting agenda to come before the commission to explain his situation.

Mary Davis also discussed another issue that came to her attention regarding a butterfly garden on Gunntown Road. She would like to know if the group planting the garden has permission to take water out of the brook to water the plants. Land Use will look into this matter and get back to the commission.

10. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Alex Olbrys and seconded by Mark Bakstis to **ADJOURN** the meeting at 7:35 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /lr